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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/500,949	07/07/2004	Philippe Bugnon	CO/2-22726/A/PCT	1488
324	7590	03/09/2005	EXAMINER	
CIBA SPECIALTY CHEMICALS CORPORATION PATENT DEPARTMENT 540 WHITE PLAINS RD P O BOX 2005 TARRYTOWN, NY 10591-9005			GREEN, ANTHONY J	
			ART UNIT	PAPER NUMBER
			1755	
DATE MAILED: 03/09/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/500,949

Applicant(s)

BUGNON ET AL.

Examiner

Anthony J. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 1 and 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/24/04.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. The preliminary amendment submitted on 07 July 2004 has been entered.  
Currently claims 1-20 are pending.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, part (1) the phrase "are each independently from the other so synthesized that they precipitate" is vague and indefinite. How are they synthesized so that they precipitate? Clarification is requested.

In claim 1, part (3), the phrase "the liquid phase" lacks proper antecedent basis.

In claim 1, part (5) is confusing as written as it refers to steps (2), (3) and (4) which are optional steps and also because it recites (1), (2), (3) or (4) which does not make sense because only step (1) is absolutely necessary. How can one pick just the suspension from steps (2), (3) or the dried pigments from step (4) if they are optional? That is, step 1 is a required step however according to part (5) of the claim one does not have to pick the suspension of step (1). Also it is unclear as to which liquid phases applicant is referring to in line 3 of part (5). The phrase "consist substantially of" is

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vague and indefinite. What is meant by this phrase? It is unclear as to what the phrase "each transferred into a storage vessel or both transferred into the same storage vessel". What do the terms "each" and "both" refer to? Is applicant referring to the first and second component or what? Clarification is requested.

In claim 1, part (6), the phrase "does not already consist of water and optionally an organic liquid" is inconsistent with part (5) of the claim and therefore renders the claim confusing as part (5) does not require that water be present as it recites "water, an organic liquid or a mixture thereof". That is, part (5) does not require that water be present it appears to be optional.

In claim 1, part (7) the phrase "the last pass" lacks proper antecedent basis.

Claim 3 appears to be inconsistent with claim 1 as claim 1 does not recite that the first component is selected from "diketopyrrolopyrroles". Claim 1 recites "diketopyrrolo[3,4-c]pyrroles" not any diketopyrrolopyrroles. Accordingly the limitation in 3 appears to be outside the scope of claim 1.

In claim 14 the phrase "the radial speed" lacks proper antecedent basis.

Claim 18 is confusing as written. Is applicant trying to say that the conditioned organic pigment comprises all of the pigments recited in this claim? That is, it is unclear as to whether or not the term "or" refers to the mixture of pigments immediately preceding it (i.e. 2,9-dichloroquinacridone and 3,6-di(4'-chloro-phenyl)-2,5-dihydro-pyrrolo[3,4-c]pyrrole-1,4-dione or 3,6-diphenyl-2,5-dihydro-pyrrolo[3,4-c]pyrrole-1,4-dione and 3,6-di(4'-chloro-phenyl)-2,5-dihydro-pyrrolo[3,4-c]pyrrole-1,4-dione)) or if

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applicant is trying to say that the pigment comprises one of the recited groupings.

Clarification is requested.

### ***Claim Objections***

4. Claims 1 and 15 are objected to because of the following informalities: In claim 1, part (6) the term "exceed" should be -- exceed --. In claim 15 it is believed that the phrase "have a size" should be -- having a size --. Appropriate correction is required.

### ***Allowable Subject Matter***

5. Claims 1-20 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

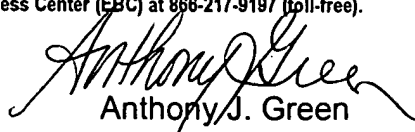
### ***Information Disclosure Statement***

6. The references cited by applicant have been considered by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony J. Green whose telephone number is 571-272-1367. The examiner can normally be reached on Monday-Thursday 6:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo can be reached on 571-272-1233. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anthony J. Green  
Primary Examiner  
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